

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

RICKY FRANKLIN

Case No.: 1:18-cv-00161-LJV

Plaintiff,

vs.

BISON RECOVERY GROUP, INC.

Defendant.

DECLARATION OF BRENDAN H. LITTLE

1. I am counsel of record for Defendant Bison Recovery Group, Inc. (“Defendant”). I submit this Declaration in opposition to deny Plaintiff Ricky Franklin’s (“Plaintiff”) motion to stay discovery.

2. On January 6, 2020, Defendant served its discovery demands on Plaintiff. *See Exhibit A.*

3. On January 10, 2020, Plaintiff filed his Motion for Summary Judgment. (Dkt. 16).

4. Defendant’s opposition to Plaintiff’s Motion for Summary Judgment was due on February 14, 2020.

5. On February 10, 2020, our office sent correspondence to Plaintiff, by electronic and regular mail, seeking responses to Defendant’s discovery demands that were due on February 5, 2020. In response, Plaintiff advised that he produced all evidence in support of his Motion for Summary Judgment—indicating that Plaintiff was not obligated to provide any responses to Defendant’s discovery demands. Our office reiterated its request for Plaintiff to provide responses to Defendant’s discovery demands. **Exhibit B.**

6. Our office received Mr. Franklin's Responses to Defendant's discovery demands, dated February 10, 2020, after Defendant's had filed its opposition to Plaintiff's motion for summary judgment. **Exhibit C.**

7. Accordingly, on February 14, 2020, our office sent Mr. Franklin a letter, pursuant to Fed. R. Civ. P. 37, detailing the deficiencies in his discovery responses and requesting a time to meet and confer. **Exhibit D.**

8. Not having heard a response from Mr. Franklin, on February 20, 2020, our office sent correspondence to Mr. Franklin again requested an opportunity to meet and confer regarding Mr. Franklin's discovery deficiencies. **Exhibit E.**

9. Additionally, on February 20, 2020, our office noticed Mr. Franklin's deposition. **Exhibit F.**

10. On February 20, 2020, Mr. Franklin emailed our office and stated, in relevant part:

Good day,

1. I sent you what I have and don't have anything else to send you. As far as me answering the question about being charged for minutes. As stated earlier, I have a pre-paid plan. When minutes are used, my gigabytes drop significantly and the phone operates at a slower than normal rate. For example my plan drops from 10 gigabytes to 2 gigabytes because of usage.

2. Your discovery requests are a waste of the Courts and all parties involved. It is your legal team that's attempting to delay summary judgment by submitting needless discovery requests. First, you tried to mislead the court and say that I didn't submit discovery, then you come and say that I am deficient. These antics are for an improper purpose and simply to delay proceedings.

3. Again, I don't have anything else to send you.

Exhibit G.

11. In response, our office reminded Mr. Franklin that he was obligated address the deficiencies in his discovery responses, which were detailed in our office's February 14, 2020 letter. **Exhibit H.**

12. On February 21, 2020, Plaintiff provided an email with his proposed supplemental responses to Defendant's discovery demands. **Exhibit I.**

13. On February 27, 2020, after reviewing Mr. Franklin's February 21, 2020 email, our office sent Mr. Franklin correspondence detailing the remaining deficiencies in his discovery responses and requesting that he comply with the Federal Rules of Civil Procedure and formally supplement his response. **Exhibit J.**

13. I declare under penalty of perjury that the foregoing is true and correct.

Dated: February 28, 2020

/s/ Brendan H. Little
Brendan H. Little, Esq.